

Please add the following claims:

115. (New) The method of claim 51, wherein the expandable member comprises a
stent.

116. (New) The method of claim 96, wherein the deformable member comprises a
stent.

REMARKS

Applicant requests favorable reconsideration and reexamination of this application in view of the foregoing amendments and the following remarks.

Applicant acknowledges with appreciation the Examiner's indication of allowable subject matter in claims 1-21, 28, 31-35, 47-49, 53, 55-60, 63-67, 72, 74, 77-81, 93-95, 100-105, and 108-112.

This Amendment corrects a minor error in claim 96 and adds dependent claims 115 and 116, which recite that the expandable member or deformable member comprises a stent.

Rejection Under 35 U.S.C. § 102

The Examiner rejects claims 22-26, 29, 30, 36-44, 50, 51, 54, 61, 62, 68-71, 75, 76, 82-90, 96, 98, 99, 106, 107, 113, and 114 under 35 U.S.C. § 102(b) as being anticipated by United States Patent No. 3,974,526 ("Dardik"). The Examiner asserts that Dardik discloses a graft comprising a tissue and "an expandable member (tubular mesh support, see column 6, lines 5-19)."

Applicant respectfully traverses the rejection. Independent claims 22 and 68 each recite an assembly for insertion into a body passageway including an expandable member (claim 22)

or a deformable member (claim 68) having an interior surface defining a longitudinal passage and a tissue disposed adjacent to an interior surface of the expandable or deformable member. Independent claims 51 and 96 each recite a method of preparing a graft prosthesis for insertion into a body passageway including the steps of providing an expandable member (claim 51) or deformable member (claim 96) having an interior surface defining a longitudinal passage, and providing a tissue adjacent to the interior surface of the expandable member or deformable member. Each of independent claims 113 and 114 recite an assembly for insertion into a body passageway, including an expandable stent (claim 113) or a deformable stent (claim 114) and a tissue configured to avoid exposure of the expandable stent or deformable stent to circulating body fluids when the assembly is inserted into the body passageway.

The Office Action states that the mesh disclosed in Dardik is “expandable.” The Office Action, however, does not reference any disclosure in Dardik that teaches that the mesh disclosed therein is expandable or deformable as required by claims 22, 51, 68, 96, 113, and 114. Indeed, the Office Action does not state any reason for believing that the mesh disclosed in Dardik is expandable or deformable as required by those claims. For at least this reason, the rejection of independent claims 22, 51, 68, 96, 113 and 114 (and any dependent claims) under 35 U.S.C. § 102(b) is improper and should be withdrawn.

Moreover, the Office Action does not provide any basis for believing that the characteristics of the mesh disclosed in Dardik are sufficient to consider it a “stent,” as recited in independent claims 113 and 114 and dependent claims 24 and 70. For at least this additional reason, the rejection of independent claims 113 and 114 and dependent claims 24 and 70 under 35 U.S.C. § 102(b) is improper and should be withdrawn. Newly added dependent claims 115 and 116 are patentable over Dardik for at least the same reason.

Rejection Under 35 U.S.C. § 103(a)

The Examiner rejects claims 45, 46, 91, and 92 under 35 U.S.C. § 103(a) as being unpatentable over Dardik. The Examiner asserts that “these techniques of joining are established and well known. To have utilized these techniques on the Dardik et al. device would have been within the level of one of skill and required no undo experimentation. Also there is no criticality cited in the specification for use of these techniques.”

Even assuming, arguendo, that the Examiner’s contentions regarding the techniques of joining are true, they do not remedy the deficiencies of Dardik explained above with regard to independent claims 22 and 68. Thus, claims 45, 46, 91, and 92, which depend from either independent claim 22 or independent claim 68, are patentable over Dardik for at least the reasons stated above with regard to those independent claims.

Conclusion

In view of the foregoing, it is respectfully submitted that the pending claims are allowable.

In view of the advanced prosecution of this application, Applicant respectfully requests an interview with the Examiner.

If Applicant has not accounted for any fees required by this Amendment, the Commissioner is hereby authorized to charge the missing fees to our Deposit Account No. 19-0741. If Applicant has not accounted for a required extension of time under 37 C.F.R.

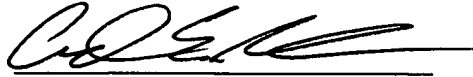
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§ 1.136, that extension is requested and the corresponding fee should be charged to our
Deposit Account.

Respectfully submitted,

June 7, 2001

Date



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